

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SECURITIES and EXCHANGE	:	
COMMISSION,	:	
	:	
Plaintiff,	:	
	:	
--against--	:	No. 05 Civ. 5231 (RJS)
	:	
AMERINDO INVESTMENT ADVISORS	:	Opposition to Motion for
INC., et al.,	:	Compensation
	:	
Defendants.	:	
-----X		

Vivian Shevitz hereby declares under penalty of perjury:

1. On July 4, 2014, the named defendants¹ in this action filed their Notice of Appeal (Docket No. 447). Defendants are appealing from the Final Judgments entered by this Court on May 16, 2014 (Docket Nos. 433, 434 and 435), and from all Orders affecting the defendants' property interests including this Court's appointment of a Receiver (*see, e.g.*, Docket Nos. 232, 267, 279, 290, 291, 293, 297, 298, 309, 312, 322, 335, 338, 345, 358, 362, 365, 406, and 425).

2. On July 11, 2014, two companies² acting as financial advisors to the Receiver moved for "Compensation and Reimbursement of Expenses" totaling over \$140,000 (Docket No. 448). The Receiver docketed the motion, which is only an "interim application" according to the

¹ The parties appealing include: (1) Alberto W. Vilar, (2) Gary A. Tanaka, (3) Amerindo Investment Advisors Inc. ("Amerindo-US"), (4) Amerindo Investment Advisors, Inc. ("Amerindo-Panama"), (5) Amerindo Advisors UK Ltd., (6) Amerindo Management Inc., (7) Amerindo Technology Growth Fund, Inc.; (8) Amerindo Technology Growth Fund II, Inc., and (9) Techno Raquia, S.A.

² The two companies are CBIZ Accounting Tax & Advisory of New York LLC ("CBIZ NY") and CBIZ Accounting Tax & Advisory of San Diego LLC ("CBIZ SD")

companies. The Receiver has not indicated whether he agrees with the charges, which arguably appear to be excessive on their face.

3. As the Supreme Court has held: “The filing of a notice of appeal is an event of jurisdictional significance – it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case involved in the appeal.” *Griggs v. Provident Consumer Discount Co.*, 459 U.S. 56, 58 (1982). Thus, Defendants respectfully submit that this court does not currently have jurisdiction to decide the motion for “Compensation and Reimbursement of Expenses.” The motion should either be denied without prejudice or held in abeyance until the Second Circuit returns jurisdiction to this Court. Defendants reserve their right to interpose further objections when jurisdiction is returned to this Court.

July 14, 2014

_____/s/_____
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